

THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KENNETH R. TOSCANO,

Plaintiff,

v.

NATIONAL AUTOMOBILE DEALERS  
ASSOCIATION d/b/a NATIONAL  
AUTOMOBILE DEALERS INSURANCE  
TRUST, and EVERCORE TRUST  
COMPANY (as trustee for NATIONAL  
AUTOMOBILE DEALERS INSURANCE  
TRUST),

Defendants.

CIVIL ACTION NO. 14-763

**ORDER**

**AND NOW**, this 24th day of March, 2015, after considering the motion to dismiss filed by the defendants, National Automobile Dealers Association d/b/a National Automobile Dealers Insurance Trust, and Evercore Trust Company (as trustee for National Automobile Dealers Insurance Trust) (Doc. No. 3), the memorandum of law in response to the motion filed by the plaintiff, Kenneth R. Toscano (Doc. No. 5), and the reply brief filed by the defendants (Doc. No. 8); and after reviewing the allegations in the complaint (Notice of Removal at Ex. A, Doc. No. 1); and for the reasons set forth in the accompanying memorandum opinion; accordingly, it is hereby **ORDERED** as follows:

1. The motion to dismiss (Doc. No. 3) is **GRANTED** and the complaint is **DISMISSED**;

2. The plaintiff shall have a period of fourteen (14) days to file an amended complaint if the plaintiff believes he can remedy the deficiencies noted in the accompanying memorandum opinion; and

3. If the plaintiff does not file an amended complaint within 14 days after the date of this order, the court will direct the clerk of court to mark the case as closed without any further notice to the parties.

BY THE COURT:

/s/ Edward G. Smith, J.  
EDWARD G. SMITH, J.